IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.   :   **09/867763**

Applicant   :   Gawler

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Title   :   Mail Preparation System

TC/A.U.   :   3629

Examiner   :   **Jon Bass**

Docket No.   :   **5034**

Customer No. :   26936

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANTS' BRIEF ON APPEAL TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

This is appellant's brief on appeal to the Board of Patent Appeals and Interferences, from the final rejection of the application identified above.

REAL PARTY IN INTEREST

The owner of this application is Neopost Limited, under an assignment recorded at reel 012148, frame 0367.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

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STATUS OF CLAIMS

Claims 1 - 32 stand rejected. Claims 1 - 32 are being appealed.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The invention of claim 1 is a mail preparation system which includes (a) a postage charge dispenser (item 10, Fig. 1; page 6, line 4) configured to generate postage indicia and account for postage charges; (b) a printer (item 37, Fig. 1; page 8, line 13) operable to print the postage indicia (item 31, Fig. 3) as generated by the postage charge dispenser on mail items; (c) a display (item 24, Fig. 1; page 7, penultimate line); (d) a controller (item 18, Fig. 1; page 7, line 12) for driving the display to display a depiction (item 40, Fig. 3) of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items (items 36 - 38, Fig. 2; page 9, lines 10 - 11) modifiable by a user, which data items include at least one data item related to postage charge, and being operable to provide data representative of the data items to the postage charge dispenser; (e) a data item selector (menu 42, Fig. 5; page 11, line 15) operable by the user to select any one of the data items in the depicted postage indicium and cause the controller to drive the display to display a plurality of possible item entries for the selected data item; and (f) an item entry selector (item 26, Fig. 1; page 8, line 1) operable by the user to select one of the possible item entries for the selected data item and cause the controller to drive the display to display a modified depiction of the postage indicium including the selected item entry for the data item.

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Claim 13 recites a method of preparing mail items, which includes steps of (a) displaying a depiction (40, *supra*) of a postage indicium to be printed on a mail item (30, Fig. 2; page 9, line 1), the depicted postage indicium including a plurality of data items (36 - 38, *supra)* modifiable by a user, which data items include at least one data item related to postage charge; (b) selecting one of the data items in the depicted postage indicium to be modified; (c) displaying a plurality of possible item entries (42, *supra)* for the selected data item; (d) selecting one of the possible item entries for the selected data item; (e) displaying a modified depiction (40, *supra*) of the postage indicium including the selected item entry for the data item; (f) generating a postage indicium (31, *supra*) corresponding to the modified depiction of the postage indicium; and (g) printing the postage indicium on a mail item.

Claim 21 recites a system for preparing batches of mail. The system includes (a) a message transmitter (51-52, Fig. 1; page 8, lines 7 - 10) operable to transmit messages relating to batches of mail to a remote data center (53, Fig. 1); (b) a message receiver (51-52, *supra*) for receiving messages from the remote data center as an acknowledgment in reply to each transmitted message; (c) a display (24, *supra*) for displaying message areas corresponding to each transmitted message; and (d) a controller (18, *supra)* for operating the display to display the message areas with a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center (page 8, lines 5 - 22).

Claim 27 describes a corresponding method, as including steps of (a) transmitting messages (page 15, lines 18 - 22) relating to batches of mail to a remote data center (53, *supra*);
(b) receiving messages from the remote data center as an acknowledgment in reply to the transmitted messages; and (c) displaying message areas on a display (24, *supra*) corresponding to each transmitted message, the message areas being displayed with a

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first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center (page 8, lines 5 - 22).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 - 20 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 5510992 (Kara). Claims 21 - 32 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 4868757 (Gil).

ARGUMENT

Rejections of claims 1 - 20:

The Examiner maintains that the subject-matter of claims 1 to 20 is anticipated by Kara. We submit this is not the case. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Independent claims 1 and 13 each contain at least one element not disclosed in or inherent from Kara.

Claims 1 and 13 require, *inter alia*, the displaying of a depiction of a postage indicium to be printed on a mail item, which includes a plurality of data items which are modifiable by a user, and more particularly provides for the selection of any one of the data items from within the depicted postage indicium, in particular by a screen pointing device (claim 2), such as a mouse, a track ball, a touch pad or a touch screen (claim 3). In the system and method of Kara, the Examiner apparently considered the display screen 60, the meter display 601, the print button 607, the destination button 608 and the class button 609 to define together the claimed postage indicium.

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While the meter display 601 does represent a depiction of a postage indicium to be printed on a mail item, the display screen 60, the print button 607, the destination button 608 and the class button 609 are not printed on a mail item, and thus manifestly cannot constitute part of the depiction of a postage indicium to be printed on a mail item, in the manner as required by the claims. Rather, the display screen 60, the print button 607, the destination button 608 and the class button 609 represent the means which facilitate the printing of a postage indicium, as represented by the meter display 601, on a mail item.

The present invention is not directed generally to any system or method which allows for the construction of the depiction of a postage indicium, but specifically requires means by which data items can be selected from within a depicted postage indicium

The system and method of Kara do not include any means by which data items can be selected from within a depicted postage indicium. In marked contrast, in the system and method of Kara, the destination and postage class, for example, can only be selected by selecting one of the corresponding buttons 608, 609, which do not form part of a depicted postage indicium.

Accordingly, the subject-matter of claims 1 and 13 is manifestly not anticipated by the disclosure of Kara.

<u>Rejection of claims 21 - 32:</u>

The Examiner rejected claims 21 to 32 as anticipated by the disclosure of Gil (U.S. Patent 4868757). Those claims are not anticipated by Gil, for the following reasons.

Claims 21 and 27 require *inter alia* the transmission of messages relating to batches of mail to a remote data center, the receipt of messages from the remote data center as an acknowledgment in reply to each transmitted message, and the displaying of message areas corresponding to each transmitted message, where the message areas have a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center.

None of these features of the claimed invention are disclosed by Gil.

Gil does disclose at column 7, line 64 to column 8, line 2 that a post office computer can be connected to a post office control unit 13 to enable communication with EAROMS (57, 58), but there is no disclosure of the transmission of messages relating to batches of mail to a remote data center or the receipt of messages from the remote data center as an acknowledgment in reply to each transmitted message, in the manner as required by the claims at issue.

The Examiner stated that, in Gil, the post office control unit 13 allows for the transmission and receipt of messages to other locations, and he particularly referenced the disclosure at column 4, lines 39 to 43. This is acknowledged, insofar as the post office control unit 13 allows for communication with a post office computer, as disclosed at column 7, line 64 to column 8, line 2, but there is absolutely no disclosure of the transmission of messages relating to batches of mail to a remote data center or

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the receipt of messages from the remote data center as an acknowledgment in reply to each transmitted message.

Furthermore, Gil does not disclose the displaying of message areas corresponding to each transmitted message, and certainly not that the message areas have a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center.

The Examiner has commented that Gil provides for the display of messages on the electronic display 1, and particularly referenced the disclosure at column 6, lines 65 and 66. It is acknowledged that the electronic display 1 provides for the display of messages, but these messages relate to the printing of postage value on a mail item. Gil makes no disclosure whatever of the display of message areas corresponding to messages which are transmitted relating to batches of mail.

The Examiner has also commented that, in Gil, the electronic display 1 is split into two sections (1-1, 1-2), where one section (1-1) displays the computer input and the other section (1-2) shows a video picture of the envelope being processed, and has particularly referenced the disclosure at column 4, lines 11 to 20. The Examiner appears to be attempting to equate the sections (1-1, 1-2) to the message areas of claims 21, 22, 27 and 28. However, the claims require that the message areas each correspond to messages which are transmitted relating to batches of mail. In Gil, neither of the sections (1-1, 1-2) provide for the display of a message which relates to a batch of mail, and these sections (1-1, 1-2) do not each have first and second, different visual appearances in dependence upon the receipt of a message from a remote data center. In Gil, the second section (1-2) shows a visual appearance, but this is only of the envelope being processed and is unrelated to any transmitted message.

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The Examiner has further commented that Gil discloses that postage will be bought electronically, either by bringing the post office control unit 13 to a post office or by using a modem unit directly to connect the post office control unit 13 to a post office computer, and has particularly referenced the disclosure at column 3, lines 3 to 6. This disclosure is acknowledged, but it has no bearing on the claimed invention. The fact that postage can be purchased electronically is unrelated to the transmission, receipt and display of messages relating to batches of mail, in the manner required by the present invention.

Accordingly, the subject-matter of claims 21 and 27 is manifestly not anticipated by the disclosure of Gil.

We respectfully submit that the none of claims 1, 13, 21 or 27 is anticipated by either of the applied references, and therefore, the rejection of claims 1 - 32 ought to be reversed.

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CLAIMS APPENDIX

1. A mail preparation system, including:

 a postage charge dispenser configured to generate postage indicia and account for postage charges;

 a printer operable to print the postage indicia as generated by the postage charge dispenser on mail items;

 a display;

 a controller for driving the display to display a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items include at least one data item related to postage charge, and being operable to provide data representative of the data items to the postage charge dispenser;

 a data item selector operable by the user to select any one of the data items in the depicted postage indicium and cause the controller to drive the display to display a plurality of possible item entries for the selected data item; and an item entry selector operable by the user to select one of the possible item entries for the selected data item and cause the controller to drive the display to display a modified depiction of the postage indicium including the selected item entry for the data item.

2. The system of claim 1, wherein the data item selector comprises a screen pointing device.

3. The system of claim 2, wherein the screen pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen.

4. The system of claim 1, wherein the item entry selector comprises a screen pointing device.

5. The system of claim 4, wherein the screen pointing device comprises one of a mouse, a tracker ball, a touch pad or a touch screen.

6. The system of claim 1, wherein the possible item entries for the selected data item are superimposed on the depiction of the postage indicium.

7. The system of claim 1, wherein the data items include postage value.

8. The system of claim 1, wherein the data items include postage class.

9. The system of claim 1, wherein the data items include date.

10. The system of claim 1, wherein the data items include destination.

11. The system of claim 10, wherein the destinations are represented on a map.

12. The system of claim 1, further including:

a weighscale for determining the weight of mail items, the weighscale being operable to provide data representative of the weight of a mail item to the controller and the controller being configured automatically to select the postage value for the mail item.

13. A method of preparing mail items, including the steps of:

displaying a depiction of a postage indicium to be printed on a mail item, the depicted postage indicium including a plurality of data items modifiable by a user, which data items include at least one data item related to postage charge; selecting one of the data items in the depicted postage indicium to be modified; displaying a plurality of possible item entries for the selected data item; selecting one of the possible item entries for the selected data item;

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displaying a modified depiction of the postage indicium including the selected item entry for the data item;

generating a postage indicium corresponding to the modified depiction of the postage indicium; and

printing the postage indicium on a mail item.

14. The method of claim 13, wherein the possible item entries for the selected data item are superimposed on the depiction of the postage indicium.

15. The method of claim 13, wherein the data items include postage value.

16. The method of claim 13, wherein the data items include postage class.

17. The method of claim 13, wherein the data items include date.

18. The method of claim 13, wherein the data items include destination.

19. The method of claim 18, wherein the destinations are represented on a map.

20. The method of claim 13, further including the step of:

weighing the mail item, whereby the weight of the mail item is utilised automatically to select the postage value for the mail item.

21. A mail preparation system for preparing batches of mail, the system including:

a message transmitter operable to transmit messages relating to batches of mail to a remote data center;

a message receiver for receiving messages from the remote data center as an acknowledgment in reply to each transmitted message;

a display for displaying message areas corresponding to each transmitted message; and

a controller for operating the display to display the message areas with a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center.

22. The system of claim 21, wherein the controller includes a time-out function for displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center.

23. The system of claim 21, wherein the different visual appearances are represented by different colours.

24. The system of claim 21, wherein the different visual appearances are represented by different shades.

25. The system of claim 21, wherein the different visual appearances are represented by different patterns.

26. The system of claim 21, wherein the different visual appearances are represented by different characters.

27. A method of preparing batches of mail, the method including the steps of: transmitting messages relating to batches of mail to a remote data center; receiving messages from the remote data center as an acknowledgment in reply to the transmitted messages; and

displaying message areas on a display corresponding to each transmitted message, the message areas being displayed with a first visual appearance on transmission of the respective messages to the remote data center and a second, different visual appearance on receipt of the respective messages from the remote data center.

28. The method of claim 27, further including the step of:

displaying message areas with a third, different visual appearance where a message is not received from the remote data center within a predetermined period of time following transmission of the message to the remote data center.

29. The method of claim 27, wherein the different visual appearances are represented by different colours.

30. The method of claim 27, wherein the different visual appearances are represented by different shades.

31. The method of claim 27, wherein the different visual appearances are represented by different patterns.

32. The method of claim 27, wherein the different visual appearances are represented by different characters.

EVIDENCE APPENDIX

(Not applicable.)

RELATED PROCEEDINGS APPENDIX

(Not applicable.)